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F. # 2002R02098

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ DEC 13 2004 (W)
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

MOHAMMED ALI HASSAN AL-MOAYAD and
MOHAMMED MOHSEN YAHYA ZAYED,

Defendants.

- - - - - X

THE GRAND JURY CHARGES:

COUNT ONE

1. On or about and between October 8, 1999 and January 10, 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants MOHAMMED ALI HASAN AL-MOAYAD and MOHAMMED MOHSEN YAHYA ZAYED, together with others, within the United States and subject to the jurisdiction of the United States, did knowingly and intentionally conspire to provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), including currency and monetary instruments and financial securities, weapons and personnel, to a foreign terrorist organization, to wit, *al Qaeda*, which was designated by the Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 302, 110 Stat. 1214, 1248 (1996), and amended by the Illegal

Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (1996), on October 8, 1999, and re-designated as a terrorist organization on October 5, 2001 and October 2, 2003.

(Title 18, United States Code, Sections 2339B(a)(1) and 3551 et seq.)

COUNT TWO

2. On or about and between October 8, 1999 and January 10, 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MOHAMMED ALI HASAN AL-MOAYAD, together with others, within the United States and subject to the jurisdiction of the United States, did knowingly and intentionally provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), including currency and monetary instruments and financial securities, weapons and personnel, to a foreign terrorist organization, to wit, *al Qaeda*, which was designated by the Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 302, 110 Stat. 1214, 1248 (1996), and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009

(1996), on October 8, 1999, and re-designated as a terrorist organization on October 5, 2001 and October 2, 2003.

(Title 18, United States Code, Sections 2339B(a)(1), 2 and 3551 et seq.)

COUNT THREE

3. On or about and between October 8, 1997 and January 10, 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants MOHAMMED ALI HASAN AL-MOAYAD and MOHAMMED MOHSEN YAHYA ZAYED, together with others, within the United States and subject to the jurisdiction of the United States, did knowingly and intentionally conspire to provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), including currency and monetary instruments and financial securities, weapons and personnel, to a foreign terrorist organization, to wit, *Hamas*, which was designated by the Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 302, 110 Stat. 1214, 1248 (1996), and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (1996), on October 8, 1997, and re-designated as a terrorist organization on October 8, 1999, October 5, 2001 and October 2, 2003.

(Title 18, United States Code, Sections 2339B(a)(1) and 3551 et seq.)

COUNT FOUR

4. On or about and between October 8, 1997 and January 10, 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MOHAMMED ALI HASAN AL-MOAYAD, together with others, within the United States and subject to the jurisdiction of the United States, did knowingly and intentionally provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), including currency and monetary instruments and financial securities, weapons and personnel, to a foreign terrorist organization, to wit, *Hamas*, which was designated by the Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 302, 110 Stat. 1214, 1248 (1996), and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (1996), on October 8, 1997, and re-designated as a terrorist organization on October 8, 1999, October 5, 2001 and October 2, 2003.

(Title 18, United States Code, Sections 2339B(a)(1), 2 and 3551 et seq.)

COUNT FIVE

5. In or about January 2003, within the Eastern District of New York and elsewhere, the defendants MOHAMMED ALI HASAN AL-MOAYAD and MOHAMMED MOHSEN YAHYA ZAYED, within the

United States and subject to the jurisdiction of the United States, did knowingly and intentionally attempt to provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), including currency and monetary instruments and financial securities, weapons and personnel, to a foreign terrorist organization, to wit, *al Qaeda*, which was designated by the Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 302, 110 Stat. 1214, 1248 (1996), and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (1996), on October 8, 1999, and re-designated as a terrorist organization on October 5, 2001 and October 2, 2003.

(Title 18, United States Code, Sections 2339B(a)(1) and 3551 et seq.)

COUNT SIX

6. In or about January 2003, within the Eastern District of New York and elsewhere, the defendants MOHAMMED ALI HASAN AL-MOAYAD and MOHAMMED MOHSEN YAHYA ZAYED, within the United States and subject to the jurisdiction of the United States, did knowingly and intentionally attempt to provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), including currency and monetary instruments and financial securities, weapons and personnel, to a foreign terrorist organization, to wit, *Hamas*, which was designated by

the Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 302, 110 Stat. 1214, 1248 (1996), and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (1996), on October 8, 1997, and re-designated as a terrorist organization on October 8, 1999, October 5, 2001 and October 2, 2003.

(Title 18, United States Code, Sections 2339B(a)(1) and 3551 et seq.)

ADDITIONAL ALLEGATIONS AS TO COUNTS ONE THROUGH SIX

7. The allegations contained in Counts One through Six are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Counts One through Six.

8. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendants, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendants in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The offense was a felony that involved, and was intended to promote, a federal crime of terrorism (U.S.S.G. § 3A1.4(a)).

A TRUE BILL

Carol Alvarado

FOREPERSON

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.136

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL Division

THE UNITED STATES OF AMERICA

vs.

MOHAMMED ALI HASSAN AL-MOAYAD and
MOHAMMED MOHSEN YAHYA ZAYED,

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 2339B (a) (1), 2 and 3551
et seq.)

A true bill.

Carol Bernick

Foreman

Filed in open court this 13 day
of December A.D. 2004

Clerk

Bail, \$ _____

PAMELA CHEN, AUSA; (718) 254-7575